REMARKS

The present amendment is in response to the Office Action mailed March 26, 2003, in which Claims 1 through 4 were rejected. Applicant has thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the reference cited therein. The following remarks are believed to be fully responsive to the Office Action and, when coupled with the amendments made herein, are believed to render all claims at issue patentably distinguishable over the cited references.

The specification, Figures 1 and 2, and Claims 1, 3 and 4 are amended herein. No claims are cancelled. New Claims 5 through 8 claims are added for consideration at this time. Accordingly, Claims 1 through 8 are pending.

All the changes are made for clarification and are based on the application and drawings as originally filed. It is respectfully submitted that no new matter is added.

Applicant respectfully requests reconsideration in light of the above amendments and the following remarks.

SPECIFICATION ISSUES

With respect to Paragraph 1 of the Office Action, the Examiner stated that the title was not descriptive.

Applicant has amended the title to add further description. Applicant submits that no new matter has been added by this change.

DRAWING OBJECTIONS

With respect to Paragraphs 2 and 3 of the Office Action, the Examiner objected to the drawings as failing to include plural protrusions 16 and grooves 18 as set forth in the specification and claims.

As set forth in the attached drawings with changes indicated in red, Applicant has amended FIG. 1 to include a "B" portion, has changed "FIG. 2" to –FIG. 2A--, and has added new –FIG. 2B— which includes elements 16' and 18'. The specification has been amended to be consistent with these changes. Applicant submits that no new matter has been added by these changes.

Reconsideration and withdrawal of the Examiner's objections to the claim are respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. SECTION 112

With respect to Paragraph 4 of the Office Action, the Examiner rejected Claims 1 through 4 under 35 U.S.C. Section 112 as being indefinite.

Applicant has amended Claim 1 so as to more clearly identify the means limitations. Applicant submits that no new matter has been added by these changes.

Applicant has also amended Claims 3 and 4 so as to more clearly define the relationship between the elements and the ratcheting teeth.

Reconsideration and withdrawal of the Examiner's rejections under 35 U.S.C. Section 112 are respectfully requested.

CLAIM REJECTIONS 35 U.S.C. SECTION 102(b)

With respect to Paragraphs 5 and 6 of the Office Action, the Examiner rejected Claims 1 and 2 under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent No. 2,939,597 to Greene (hereinafter referred to as "Greene".

Applicant respectfully traverses these rejections.

The invention as presently claimed may be differentiated from Greene on a number of grounds. First, and as set forth in independent Claim 1, the "ratcheting means" of the present invention have first and second teeth formed a facing portions of the inner and outer circumferential surfaces of the inner and outer caps and engaged to be movable *unidirectionally by stages.* Conversely, the locking member of Greene has ratchet teeth having vertical faces. Upon rotation of the cap these teeth engage positively to cause the locking member *to rotate in a reverse direction to force the locking member towards the end of the container, thus applying pressure thereto.* This arrangement is not only different from that of the invention as presently claimed, but also is less effective overall and is less sophisticated than the present invention.

In addition, Greene does not teach or even suggest the ratcheting elements being arranged on the sidewalls of the cap. Instead, the

arrangement of Greene (and, in fact, all of the cited art) teach this arrangement on the top of the cap. This is more than a mere design choice, as the arrangement of the present invention allows for a more positive locking system.

Accordingly, Applicant respectfully submits that the invention as set forth in amended Claim 1 is patentable distinguishable from that of Greene, and is believed to be allowable thereover. Furthermore, since Claim 2 is dependent from independent Claim 1, it is also submitted that this claim is allowable over the art of record as well.

Reconsideration and withdrawal of the rejections under 35 U.S.C. Section 102(b) are respectfully requested.

CLAIM REJECTIONS 35 U.S.C. SECTION 103(a)

With respect to Paragraphs 7 and 8 of the Office Action, the Examiner rejected Claims 3 and 4 under 35 U.S.C. Section 103(a) as being unpatentable over Greene in view of U.S. Patent No. 4,394,916 to Smalley or U.S. Patent No. 4,872,570 to Harding.

Applicant respectfully traverses these rejections.

Claims 3 and 4 are dependent from independent Claim 1 and, insofar as independent Claim 1 is believed to be allowable over the art of record, Applicant respectfully submits that these claims are allowable over the art of record as well.

Reconsideration and withdrawal of the rejections under 35 U.S.C. Section 103(a) are respectfully requested.

NEW CLAIMS 5 THROUGH 8

Applicant includes herewith new Claims 5 through 8 which are generally based upon Claims 1 through 4 as amended.

MARKED-UP CHANGES

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached paper is captioned **"VERSION WITH MARKINGS TO SHOW CHANGES MADE."**

CONCLUSION

In light of the above amendments and remarks, Applicant respectfully submits that all pending Claims 1 through 8 as currently presented are in condition for allowance. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-624-3947 in an effort to resolve any matter still outstanding *before* issuing another action. The undersigned attorney is confident that any issue which might remain can readily be worked out by telephone.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Dated: **July 28, 2003**

TTM/hs

VERSION WITH MARKINGS TO SHOW CHANGES MADE
(USSN 10/069,871)

IN THE SPECIFICATION:

Page 1, line 1 has been amended as follows:

TAMPER IDENTIFYING BOTTLE CAP

Page 3, line 16 has been amended as follows:

FIG. 2A is an enlarged view of [a] portion "A" of FIG. 1;

FIG. 2B is an enlarged view of portion "B" of FIG. 1;

Page 4, lines 13 through 15 has been amended as follows:

FIG. 1 is a cross-sectional view illustrating the state in which a bottle cap according to the present invention is mounted, [and FIG. 2] FIG. 2A is an enlarged view of [a] portion "A" of FIG. 1, and FIG. 2B is an enlarged view of portion "B" of FIG. 1.

Page 4, lines 20 through 22 has been amended as follows:

The inner cap 12 and the outer cap 14 are integrally connected by means of fixed protrusions 16 and grooves 18, as shown in [FIG. 2,] FIG. 2A and by means of fixed protrusions 16' and grooves 18', as shown in FIG. 2B, so that they are not separated once connected.

IN THE CLAIMS:

Claims 1, 3 and 4 have been amended and new Claims 5 through 8 have been added as follows:

1. (Amended) A bottle cap for a bottle which holds contents, comprising:

a cap body having an inner cap coupled so as to open or close the mouth of the bottle, and an outer cap made to rotate in a circumferential direction only and fixedly coupled to the inner cap so as not to deviate from the inner cap, said inner cap and said outer cap each including a top surface and a peripheral side wall;

ratcheting means for operatively associating said inner cap with said outer cap by providing unidirectional engagement between said inner cap and said outer cap, said ratcheting means having first and second teeth formed at facing portions of the inner and outer circumferential surfaces of the side walls of the inner and outer caps and engaged to be moved unidirectionally, and first and second protrusions spaced apart from the ratcheting teeth and protruding from the facing portions of the inner and outer caps, for integrally rotating the inner and outer caps from the mouth of the bottle such that the first and second ratcheting protrusions are engaged with each other when the second ratcheting teeth move relative to the first ratcheting teeth by stages; and

opening/closing identification means for displaying whether the cap body has been opened or not, said opening/closing identification means having a portion of displaying whether the cap body had been opened or not, printed on the top surface of the inner cap, and an identification means for identifying from the outside whether the cap body has been opened or not according to the movement of the second ratcheting teeth relative to the first ratcheting teeth, said identification means being formed on the top surface of the outer cap[, for identifying from the outside whether the cap body has been opened or not according to movement of the second ratcheting teeth relative to the first ratcheting teeth].

3. (Amended) The bottle cap according to claim 1, wherein the identification means includes convex portions for covering a display portion and concave portions for uncovering a display portion, the convex and concave portions formed along the periphery of an opening hole opened by perforating a portion of the top surface of the outer cap, at the same [pitch with] spacing as the ratcheting teeth.

4. (Amended) The bottle cap according to claim 1, wherein the identification means is configured such that holes are formed on a portion of the top surface of the outer cap at the same [pitch with] spacing as the ratcheting teeth to uncover the display portion therethrough.

5. (New) A bottle cap for a bottle which holds contents, comprising:

a cap body having an inner cap coupled so as to open or close the mouth of the bottle, and an outer cap made to rotate in a circumferential direction only and fixedly coupled to the inner cap, said inner cap and said outer cap each including a top surface and a peripheral side wall;

ratcheting means for operatively associating said inner cap with said outer cap by providing unidirectional engagement between said inner cap and said outer cap, said ratcheting means having first and second teeth formed at facing portions of the inner and outer circumferential surfaces of the side walls of the inner and outer caps and engaged to be moved unidirectionally, and first and second protrusions spaced apart from the ratcheting teeth and protruding from the facing portions of the inner and outer caps; and

opening/closing identification means for displaying whether the cap body has been opened or not, said opening/closing identification means having a portion of displaying whether the cap body had been opened or not, printed on the top surface of the inner cap, and an identification means for identifying from the outside whether the cap body has been opened or not, said identification means being formed on the top surface of the outer cap.

6. (New) The bottle cap according to claim 4, wherein the inner and outer caps are integrally connected by fixed protrusions and grooves formed at facing portions of inner and outer circumferential surfaces thereof.

7. (New) The bottle cap according to claim 5, wherein the identification means includes convex portions for covering a display portion and concave portions for uncovering a display portion, the convex and concave portions formed along the periphery of an opening hole opened by perforating a portion of the top surface of the outer cap.

8. (New) The bottle cap according to claim 5, wherein the identification means is configured such that holes are formed on a portion of the top surface of the outer cap.

FIG. 2B